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# PHILOSOPHY OF LAW IN THE ARCTIC



**UArctic**

edited by Dawid Bunikowski

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# Philosophy of Law in the Arctic

edited by Dawid Bunikowski

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*The term "Arctic" is not only ecological but also mythical. The term refers to the areas which were thought to be located under the constellation 'Ursa Major' (the Great Bear).*

J. Pentikäinen, *Shamanism and Culture*, Helsinki 2006, p.120.

*If we shadows have offended,  
Think but this, and all is mended,  
That you have but slumber'd here  
While these visions did appear.  
And this weak and idle theme,  
No more yielding but a dream,  
Gentles, do not reprehend:  
if you pardon, we will mend (...).*

William Shakespeare, *A Midsummer-Night's Dream*,  
*Epilogue*, Cambridge University Press 1924.

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## **Sámi Shamanism Past and Present and the Desecration of the Sacred in Finland**

*Francis Joy\**

### **Abstract**

The aim of the paper is to outline a number of prospective legal issues in relation to Sámi shamanism and culture within a discussion about Sámi cultural heritage.

### **1. Introduction**

The purpose of this paper is to outline a number of prospective legal issues in relation to Sámi shamanism and culture within a discussion about Sámi cultural heritage. In order to facilitate such a task, it is essential to understand the nature of the background issues which contribute to this debate. These are presented to you below.

Since the melting of the ice caps at the end of the last Ice Age across Fennoscandia 10,000 years ago and the formulation and migration of human populates within these vast areas, today in the north, we encounter through the study of prehistory, traces of the legacies they have left behind. The search for human settlement areas across the landscapes has revealed how both groups and individual artists and story-tellers have emerged from what developed into ancient hunting, fishing and trapping civilizations. These persons, one could say on reflection, and who shared a polytheistic worldview of life, which was animated, have been tradition bearers and cultural custodians who have carried the responsibility, customs, and identities of their societies forward into modern times.

For example, throughout the Nordic countries and also the Kola Peninsula in Russia where the indigenous Sámi people live, and who are the descendants of early civilizations. These peoples share a unique feature in the ways their cyclical cosmos and worldview, social life, customs, religious practices and relationship with nature and the animal kingdom has been portrayed through art. Such activities are predominantly characterised within hunting, trapping, fishing and reindeer herding narratives.

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Although we have no evidence of who the actual persons were that created the prehistoric landscape art; namely rock carvings and paintings, the content of their work shows overwhelmingly how they have been ritual specialists and people with extraordinary skills and abilities and who made contact with unseen worlds and the spirits who dwell there.

Today, we find many aspects of such practices which have largely continued until the 17<sup>th</sup> and 18<sup>th</sup> centuries portrayed on 71 Sámi shaman drums which were collected by priests and missionary workers whose campaign began sometime during the 13<sup>th</sup> century in the Nordic countries, to convert the Sámi populations from their pre-Christian religion to Christianity<sup>82</sup>.

The Sámi shaman drum can be described as an oval shaped instrument which was a representation of between 2-5 layers of the cosmos depicting the human, spirit and animal powers that dwelled in the different dimensions within such landscapes. As a magical instrument, the painted drum has also been decorated with solar and lunar symbols as well as spirits representing the different elements within the natural world, thus paying reverence to them and their divine nature. A receptacle as such, could be compared to a sacred vessel into which powerful ancestral spirits and the spirits of nature took up residence and were subsequently called upon by the shaman when he needed assistance in matters pertaining to healing, divination and fortune-telling, for example. In this sense the shaman acted as an intermediary between the people and spirits.

One of the main ways communication was established by the shaman was through sacrificial activities, synchronized rhythmic drumming activities and singing-joiking. Many of these activities were focused upon fertility rituals and seasonal cycles and shifts in relation to hunting and reindeer herding

Today, the remaining 71 drums can be found in museum collections throughout Europe, the majority (37) being in the archives of the Nordiska Museet in Stockholm, Sweden.

Ever since the campaign through colonialism by the Swedish state, the Sámi shaman drum has been recognized by the Sámi as both as a symbol of resistance but also and more

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<sup>82</sup> See the works of Ernst Manker 1938 & 1950. His works contain photographs of all the surviving drums and their content and interpretations.

importantly, one of fundamental representations of culture and self-identification of the Sámi as an indigenous peoples.

Throughout the Nordic countries within the last several decades, in-depth historical research investigating the correlations linking symbols, figures, designs and patterns between prehistoric rock carvings, paintings and Sámi shaman drum motifs has determined how there are remarkable parallels and thereby, links between such documented art forms. As a result, much ambiguity has arisen in relation to the cultural context and ethnicity of the prehistoric art.

It is at this point the focus of this paper turns towards two distinctive features in relation to the practice of Sámi shamanism both past and present with regard to cultural heritage, cultural property and protection.

## **2. Prehistoric rock art in Finland and Sámi cultural heritage**

Currently, there are documented “[...] between 118 and 143” (Luukkonen 1994-2016) rock paintings in Finland. An abundance of scholarly sources have been written on this topic since the majority of the paintings have been discovered within the past 40 years (for example, see: Lahelma 2005, 2008 and 2008a; Nunez 1994 and 1995; Siikala 1981 and Kare 2000). The majority of the paintings are located in the Saimaa and Päijänne Lake regions located in the south east of the country close to water. At many of these sites Sámi place-names can be found in addition to figures and symbolism which parallels those painted on Sámi shaman drums from Norway, Sweden and Finland from the 17<sup>th</sup> and 18<sup>th</sup> centuries, thus demonstrating how there have been Sámi settlements in these areas previously. Despite the age of the paintings, the sites are predominantly used as tourist attractions to the extent a dozen sites have suffered vandalism and damage.

One further point as has been stated by Lahelma (2008) is how many of the scenes in the rock paintings concerning human and animal interactions are remarkably similar to those on the noaidi drums, and yet the paintings are in their present cultural context, referred to as ‘Finnish’. In addition, one of the main problems in rock art research in relation to the cultural context, ethnicity and dating of the art is their location below the Arctic Circle, in present day Finland. So, there is great scope for argument regarding the cultural context of the paintings

which has not yet been discussed in terms of cultural heritage and legal matters relating to Sámi history and pre-Christian religion.

The content of the rock paintings do in a similar fashion to the drum symbolism portray a type of Cognitive Map representing the grammar of the mind or mindscapes, as well as the body, which are intimately linked to activities related to maintaining Cosmic Order between the different levels of the universe. The location chosen to paint the rocks may also have represented a type of cosmic pillar or world tree. All of these features bear the hallmark of the work of the shaman and in fact it has been the shaman's out-of-body journeys to other realms of existence which have not only helped to create mythical stories but re-enact older ones as a way of maintaining the culture.

In my earlier research, I have noticed that rock paintings in Finland are listed a part of Finnish cultural heritage and not Sámi. Therefore, a problem exists concerning Sámi shamanism and the forwarding and protection of traditional knowledge so that it may be preserved for future generations. Within the study of the content of prehistoric rock art it is critical one understands the differences in viewpoints in relation to worldviews between western and indigenous peoples and their cultures. In indigenous societies, sacred places are not offered as tourist attractions, instead, and as Grimm (1998: 2-3) has stated:

“Indigenous lifeways as ways of knowing the world are both descriptive of enduring modes of sustainable livelihood, and prescriptive of ecological imaginaries, or deep communal, psychic attractors between place and people that activate sustaining relationships with the community of life. It is this close relationship and conceptual reflection found in mythic stories and ritual symbolism systems that we can call a “religious ecology”.

Needless to say, the fact that nearly all the drums collected during the 17<sup>th</sup> and 18<sup>th</sup> centuries from Lapland and how the rock paintings sites are in terms of what I will refer to as ‘established views’, the cultural property of persons outside of Sámi culture shows there are many legal issues which exist in relation to Sámi ways of life, their cultural history and dilution of their pre-Christian religion.



### **3. The use of Sámi drums symbolism within the tourist industry in Finland**

Another dimension in research which is currently being investigated by the author is the reproduction of new types of shaman drums, predominantly in Finland, by Finnish businesses and also tourism enterprises and individual artists which are marketed chiefly within the tourist industry. The new models are reminiscent of the oval shapes of older drums but the symbols and figures are almost identical copies. These can be found in tourist and souvenir shops throughout Finnish Lapland.

It is the reproduction and re-use of the symbolism from the old drums which is the cause of ambiguity in terms of legal issues and the Sámi's rights to protect and preserve their culture. For example, in her scholarly works titled: *Duodji – Sami Handicrafts – who owns the knowledge and the works?* Gunvor Guttorm (2007: 84-85) has made a specific point of stating how in Lapland “on the Finnish side, the Samis have often regretted that Finns have incorporated Sami symbols in their own culture and commercialism”. One could interpret these actions as an extension of the colonialism practices and mentality of assimilation of the Sámi and their culture into that of the Finnish Nation State.

The use of drums which contain symbols and figures copied from the original Sámi ones seems most prevalent within Lapland safari excursions, for example, under the northern lights during winter months and as well as the midnight sun in the summer. The end product is commercial exploitation of Sámi cultural heritage and history.

One theory concerning further observation of this phenomenon in Lapland and which appears to be a significant contribution underlying exploitation is the idea that Sámi shamanism and religion does not exist anymore in Lapland, therefore, it is officially dead. Moreover, the traditions and old ways are finished and gone.

In interviews carried out with Sámi shamans in Finland, the mentality surrounding the destruction of shamanism has been expressed in terms of a constant struggle to keep what is left alive with regard to the fragments of history. Fortunately, the Sámi shamans have the skill at adapting to change for example, where old meets new and the combination of these two help to strengthen the existing fragments, despite the persecutions still going on within both the Lutheran Church as well as contemporary society. One of the visible manifestations of Sámi spiritual culture is seen in the re-enactment of myths and stories within Sámi theatre,

films, poems and book. The shamans who are also artists, play a key role within each of these fields; some even working within the tourist industry and modern working sectors.

To elaborate on the loss of culture in relation to rock paintings and the Finnish state and also the possession of drums which belong to the shamans in Sámi society we may arrive at the following conclusions.

It could be argued as to how, and in particular Sámi children's education in Finland is deficient of these two aspects of their spiritual culture. The reason being is that the 60% of Sámi persons and their families who live outside of the Sámi homelands within Arctic Circle, in towns and cities, receive mainstream Christian Finnish education in schools as part of the National Curriculum to which Sámi history does not exist.

However, in Lapland throughout the Sámi areas, stories and myths are included in schools and education for Sámi children.

By contrast, in Norway for example, and since Sámi shamanism was made an official religion in 2012 and as I have witnessed during fieldwork, Sámi shamans who are artists and integrated educators, also teach about their culture and history at Sámi schools in the municipalities in northern Norway. This also includes drum making and visits to prehistoric rock art sites, such as the one at Alta Fjord, Finnmark. These activities do not exist in Sámi children's education in Finland.

The Sámi shamans in Finland, for the most remain invisible and work in secret, which is part of the traditional ways and customs and also as a way to help protect what is left of the culture and religion. The situation in Sweden and Norway is very different. However, there are also similar situations that exist in all Sámi societies in relation to secrecy because the older generations have been taught to deny their ethnic religion and believe it is evil, especially the use of the drum. At the same time, some Churches in southern Norway use drums as a part of the religious service.

#### **4. Concluding remarks**

It seems that in both cases regarding the plight of rock paintings in Finland in relation to cultural heritage of the Sámi and the Sámi shaman drums in museums throughout Europe,

as cultural property of the Sámi, nothing looks set to change concerning the restoration of knowledge.

It is my opinion that these issues provide much scope for future legal work for scholars both inside and out of Sámi society and thereby, could support further opportunities for cooperation between cultures.

The Sámi shaman and Sámi shamanism play a fundamental role in terms of the preservation of identity and culture across Fennoscandia, and the transmission of traditional ecological knowledge. The shaman's knowledge, wisdom and related spiritual practices and preservations of traditions and intimate relationships with the landscapes seem now at this time more important than ever.

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